

Senator Pyle moved that the Senate stand adjourned to 10:30 A. M. Monday morning.

Yeas and nays called for, and motion to adjourn lost by the following vote :

Yeas---Mr. President, Bowers, Broughton, Cole, Dillard, Dohoney, Evans, Hall, Hertzberg, Pickett, Pyle, Shannon---12.

Nays---Baker, Bell, Ford, Gaines, Hillebrand, Mills, Parsons, Pettit, Pridgen, Rawson, Ruby, Saylor, Tendick---13.

Senator Bowers moved that the Senate stand adjourned until 10 A. M., Monday.

Yeas and nays called for, and motion to adjourn carried by the following vote :

Yeas---Mr. President, Bowers, Broughton, Cole, Dillard, Dohoney, Evans, Ford, Gaines, Hall, Hertzberg, Pickett, Pyle, Shannon---14.

Nays---Baker, Bell, Hillebrand, Mills, Parsons, Pettit, Pridgen, Rawson, Ruby, Saylor, Tendick---11.

So the Senate at 4:20 P. M. adjourned to 10 A. M. Monday.

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## SIXTY-FIRST DAY.

SENATE CHAMBER,  
AUSTIN, TEXAS, Monday, Nov. 27, 1871. }

Senate met pursuant to adjournment. President Flanagan presiding. Roll called. No quorum present.

Absent---Senators Bell, Bowers, Broughton, Dohoney, Douglas, Hertzberg, Mills, Parsons, Ruby and Saylor.

Absent, excused---Senators Latimer and Fountain.

Senators appearing and answering to their names, quorum present.

Prayer by the Chaplain.

On motion of Senator Bell, the reading of the journal was dispensed with.

## PETITIONS AND MEMORIALS.

By Senator Pickett: a memorial for the relief of P. Bryan; also, Senate bill No, 585, a bill to be entitled "An act for the relief of Prior Bryan, assignee of Pharoah Buxton." Read first time and referred to Committee on Private Land Claims.

On motion of Senator Dohoney, the use of the Senate Chamber

was granted to Rev. Mr. Young to-morrow night for the purpose of delivering a lecture.

### BILLS AND RESOLUTIONS.

Senator Bell offered the following resolution, which was adopted:

WHEREAS, On the sixteenth day of May last, this body did grant to William Easton, Assistant Doorkeeper of the Senate, leave of absence on account of sickness for ten days; and

Whereas, Said Easton has not received his warrant, as said leave of absence permitted for the time thus allowed; therefore

*Resolved*, That William Easton, Assistant Doorkeeper of the Senate, be allowed his pay for said ten days' leave of absence heretofore granted by the Senate.

Senator Bell offered the following resolution:

WHEREAS, In the report from the Select Committee appointed to investigate the condition of the journal of the Senate, said report states that James E. Slater was elected Journal Clerk of the Senate and entered on his duties about one month after the commencement of the first session of this year; and

Whereas, Said Slater was never elected, but appointed by the Secretary on the thirtieth day of last January, under the authority of the following resolution, adopted by the Senate on the nineteenth January:

*Resolved*, That the Secretary of the Senate be required to procure the necessary lights, fuel, stationery and postage stamps, and to employ such clerical assistance as may be required for the present session of the Senate. All accounts for lights, fuel, stationery, etc., to be approved by the Chairman of the Committee on Contingent Expenses.

WHEREAS, Said Slater did by working day and night, and bring up the journal to February 28, the Senate passed the following resolution:

Whereas, James E. Slater, the Journal Clerk of the Senate, has worked night and day to write up the Journal of the Senate; and

Whereas, The Journal of the Senate is now written up to date, therefore, be it

*Resolved*, That the Journal Clerk be allowed *per diem* from the beginning of this session.

By which said Slater received eighteen days extra back pay; and

WHEREAS, On March 14, the Senate passed the following resolution:

Whereas, The late Hon. William M. Varnell was, at the time

of his death, Clerk of the Committee on Privileges and Elections, and also Clerk of the Committee on Federal Relations; and

Whereas, Since his death a clerk of this Senate has performed the clerical duties of said committees; and

Whereas, Said committees require the services of a clerk for a short time only; and

Whereas, Said Senate clerk will continue to perform said duties on said committees, the *per diem* for said services to go to the credit of the late clerk, the Hon. William M. Varnell; therefore

SECTION 1. *Be it resolved by this Senate*, That the Secretary of the Senate be and is hereby authorized and requested to draw his warrants on the Comptroller for the *per diem* of said clerkship on said committees; and

SEC. 2. *Be it further resolved*, That the Secretary of the Senate is hereby authorized and requested to draw his warrants on the Comptroller for whatever amount of *per diem* may be due the late Hon. William M. Varnell previous to his death; and

SEC. 3. *Be it further resolved*, That Thomas H. Baker, Senator from the Twenty-seventh Senatorial District, State of Texas, is hereby authorized to collect the warrants mentioned in sections one and two of this resolution, and apply the same to the payment of the funeral expenses of the deceased, and pay balance to his family, if any.

And whereas, Said position as clerk on said Committee on Privileges and Elections kept said Slater very busily engaged until March 30; and

Whereas, On March 16, the following resolution was adopted by the Senate:

*Resolved*, That the several clerks assigned the various committees of this Senate, excepting the clerks of the Judiciary, Enrolling and Engrossing Committees, be, and the same are hereby discharged from service from and after this date.

Said resolution caused said Slater to be pressed into service as Clerk of the Committee on Roads, Bridges and Ferries, and often called on by the Secretary and various Senators to perform various duties, and because of these things the Senate adopted the following resolution, on May 29:

*Resolved*, 1. That the Journal Clerk of the Senate be required to finish the journal of this Senate up to the date of the recess of this Legislature, compare and affix marginal notes, rule and index the same.

*Resolved*, 2. That the Comptroller of Public Accounts is hereby authorized and required to audit the account for the *per diem* pay of the Journal Clerk upon the certificate from the Secretary of the

Senate that the work has been performed as required by this resolution, which amount shall be paid as part of the contingent expenses of the present Legislature.

And this resolution was adopted on the fifteenth of September, there being but nineteen Senators present on the twenty-ninth of May, in pursuance of which it can be shown by competent testimony that the said Journal Clerk did work faithfully every day in said journal during the recess, excepting some ten days while he was sick, and was unable to finish up said journal as required by said resolutions, as it will take at least thirty days to rule said journal, and taking sixty days as a guide, the time allowed for preparing the printed journal index, it is reasonable to suppose it would take much longer to index three volumes of manuscript journals, when there was but one of the printed journal, and finding it impossible to do the work required by the Senate in the interval of the recess, the Journal Clerk conferred with various Senators and was advised to present his account to the Senate, and the journal of the nineteenth of October, shows the following :

Senator Gaines submitted the following account of James E. Slater, which was referred to the Committee on Contingent Expenses :

SENATE CHAMBER, Oct. 18, 1871.

The State of Texas to James E. Slater, Dr.:

For writing up the journal of the Senate to the date of recess,  
one hundred and three days, at \$8 per diem. . . . . \$824

And the journal of the twentieth shows the following report of Committee on Contingent Expenses :

COMMITTEE ROOM, }  
Austin, Nov. 23, 1871. }

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Contingent Expenses, to whom was referred the account of J. E. Slater, have the honor to state that they have examined the same and recommend that inasmuch as the Journal Clerk is a regular officer of this Senate, your committee recommend that the same be paid out of the appropriation made for the *per diem* pay of the members, officers and employés of the Twelfth Legislature.

Respectfully,

J. S. MILLS, Chairman.

Report read.

On motion of Senator Gaines the rules were suspended to consider the report, and on further motion the report was adopted and the account allowed. And,

WHEREAS, The records of the Comptroller's office show that the former Secretary did receive *per diem* for seventy-five days the sum of six hundred dollars, after the adjournment of the Legislature of 1870, for services performed in writing up the journal, when the journal of that session was composed of 705 pages, while the journal of the adjourned session has 1,253 pages; and

Whereas, on the assembling of this Senate, the Assistant Secretary of the Senate was absent, and the said Journal Clerk was pressed into this service by the Secretary until the first of October, and then he was pressed into reading proof at the JOURNAL office, and has been constantly engaged in various duties required by the Secretary and the Committees on Finance, Roads, Bridges and Ferries, Printing, select committees and general work in the Senate. The journal of the present session was in charge of one Mr. Strange for days, and also in charge of Mr. Dobson for days, and it is but lately that the journal has been turned over to said Journal Clerk, and being so constantly engaged in other duties assigned him by the Secretary, except during his illness, he has had but little opportunity to work on the journal; and has written but — pages in said journal, and

Whereas, he is perfectly willing to put in every day he was sick or absent on leave, free of charge; therefore be it

*Resolved by the Senate*, That the vote by which the resolution was adopted on Saturday be reconsidered.

Senator Pickett moved to reconsider the vote adopting resolution on Saturday relative to Journal Clerk.

Senator Gaines moved to lay the motion to reconsider on the table.

Yeas and nays called for, and motion to lay on the table lost by the following vote:

Yeas—Mr. President, Baker, Douglas, Ford, Gaines, Hillebrand, Pridgen, Shannon—8.

Nays—Bell, Broughton, Cole, Dillard, Dohoney, Evans, Hall, Parsons, Pettit, Pickett, Pyle, Rawson, Ruby, Swift, Tendick—15.

Question recurring on the motion to reconsider, yeas and nays called for and motion to reconsider carried by the following vote:

Yeas—Bell, Bowers, Broughton, Cole, Dillard, Dohoney, Douglas, Evans, Hall, Mills, Parsons, Pettit, Pickett, Pyle, Rawson, Saylor, Swift, Tendick—18.

Nays—Mr. President, Baker, Ford, Gaines, Hillebrand, Pridgen, Ruby, Shannon—8.

By leave, Senator Pyle submitted the following report of the Committee of Conference on House bill No. 114, "An act to incorporate the Jefferson City Street Railway Company:"

COMMITTEE ROOM,  
Austin, Nov. 27, 1871. }

Hon. WEBSTER FLANAGAN,

President of the Senate:

SIR: Your Committee of Conference on House bill No. 114, entitled "An act to incorporate the Jefferson City Street Railway Company," respectfully recommend that section one be amended by striking out the names of "P. M. Graham, N. A. Birje, J. W. Johnson, D. Campbell, E. Marx, W. G. Robinson, C. W. Garland and F. B. Borst," and inserting the names of "Charles M. Campbell and Marshall Marsh" in lieu thereof.

W. H. PYLE,  
MATT GAINES,  
W. A. SAYLOR,

Committee on part of Senate.

C. D. MORRIS, Chairman,  
W. G. ROBINSON,  
A. J. BOOTY,  
J. F. McKEE,  
W. P. McLANE,

Committee on part of House.

Report read, and on motion of Senator Pyle, the report of the committee was adopted.

Message from the House by Chief Clerk, Mr. Gallant, transmitting for concurrence of the Senate, the following House bills: No. 869, "An act to incorporate the town of Comanche, in Comanche county;" No. 871, "An act to incorporate the Colorado and McDade Ferry Company;" No. 873, "An act to relieve Fred. Miltner from paying State, county and municipal occupation taxes, on the sale of goods, wares and merchandise in the State of Texas;" No. 891, "An act to establish a ferry across the Neches river, at Bates ferry, in Cherokee county;" No. 915, "An act to authorize David Colley, his associates and successors, to construct, own and keep a toll bridge on White Oak Bayou, in Titus county;" No. 953, "An act supplementary to and amendatory of an act entitled 'an act to authorize the County Court of Marion county to issue coupon interest-bearing bonds for the building of a court house and jail for said county, and to levy a tax for the same;" No. 954, "An act to amend 'an act to provide for the salary and fees of district attorneys,' approved August 11, 1870;" No. 955, "An act to amend section five of 'an act to provide for the salary and fees of district attorneys,' approved August 11, 1870."

Also, informing the Senate that the House had passed House en-

rolled bill No. 862, "An act making an appropriation to supply the deficiencies for the fiscal years ending August 31, 1870 and 1871, for fees due district attorneys, district clerks, justices of the peace and sheriffs in felony cases," notwithstanding the objections of his Excellency the Governor thereto.

On motion of Senator Pickett, a committee of conference of three was appointed to confer with a like committee on the part of the House on Senate bill No. 405, "An act supplementary to the act entitled 'an act to adopt and establish a penal code for the State of Texas,' approved August 28, 1856."

The Chair appointed as such committee Senators Pickett, Saylor and Ruby.

#### UNFINISHED BUSINESS.

Substitute Senate bill No. 456, "An act to make a new apportionment for Representative and Senatorial Districts, and to provide for a general election of Representatives."

The question being upon the passage of the bill, the main question was then put: "Shall substitute Senate bill No. 456 pass?"

Yeas and nays called for and passed by the following vote:

Yeas—Mr. President, Baker, Bell, Ford, Gaines, Hertzberg, Hillebrand, Mills, Parsons, Pettit, Pridgen, Rawson, Ruby, Tendick—14.

Nays—Bowers, Broughton, Cole, Dillard, Dohoney, Douglas, Evans, Hall, Pickett, Pyle, Shannon, Swift—12.

Substitute House bill No. 691, "An act to amend an act entitled 'an act regulating public printing,' approved August 13, 1870."

The question being, "Shall the motion to reconsider be laid on the table?"

Yeas and nays called for, and the motion to lay on the table carried by the following vote:

Yeas—Bowers, Broughton, Cole, Dillard, Dohoney, Evans, Hall, Hillebrand, Pickett, Pyle, Rawson, Shannon, Swift—13.

Nays—Mr. President, Baker, Bell, Douglas, Ford, Gaines, Hertzberg, Mills, Parsons, Pettit, Ruby, Tendick—12.

Message from the House by Chief Clerk asking the return of Senate bill No. 529, "An act supplementary to an act amendatory of an act entitled 'an act to organize and maintain a system of public free schools in the State of Texas,' approved April 24, 1871," the House having failed to comply with article thirteen, section twenty-four of State Constitution, on which the yeas and nays were not called.

And informing the Senate that the House agrees to Senate amend-

ment to House bills Nos. 99 and 741, and refuses to agree to Senate amendments to House bill No. 897.

The Secretary informed the House that the Senate adheres to its amendments to House bill No. 897, and had appointed as a committee of conference to confer with a like committee of the House, Senators Mills, Bowers and Dillard.

The Secretary also informed the House that the Senate had appointed as a committee of conference on Senate bill No. 405, Senators Pickett, Saylor and Ruby, to confer with a like committee of the House.

And returned Senate bill No. 529 to the House as requested.

The Chief Clerk of the House informed the Senate that the House had passed without amendments, Senate bill No. 526, "An act to amend an act entitled an act to amend 'an act incorporating the city of Jefferson, in Marion county,' approved September 11, 1866, approved August 3, 1870."

By leave, Senator Shannon introduced a bill, (Senate bill No. 586,) to be entitled "An act to authorize the County Surveyor of Johnson county to transcribe certain record books in his office." Read first time, rules suspended, read second time, ordered engrossed and passed to a third reading.

On motion of Senator Bell, the rules were further suspended, and Senate bill No. 586 read third time and passed.

Senate bill No. 522, to be entitled "An act making an appropriation for the support of the State Government for the fiscal year beginning September 1, 1872, and ending August 31, 1873." Read second time.

The question being upon the engrossment of the bill, Senator Evans moved a call of the House. Call sustained.

Absent—Senators Gaines and Pridgen.

Absent, excused—Senators Fountain, Latimer and Swift.

Call suspended.

Question then being, "Shall the main question be now put?" yeas and nays called for, and the main question ordered by the following vote:

Yeas—Mr. President, Baker, Bell, Ford, Gaines, Hertzberg, Hillebrand, Mills, Parsons, Pettit, Pridgen, Rawson, Ruby, Tindick—15.

Nays—Bowers, Broughton, Cole, Dillard, Dohoney, Douglas, Evans, Hall, Pickett, Pyle, Shannon, Swift—11.

Senator Saylor offered the following amendment, which was adopted: Amend page two, after line fifteen, by inserting "for the pay of counsel (Messrs. George F. Moore and T. J. Durant,) under joint resolution No. 5, \$5,000."



Senator Bowers moved the indefinite postponement of Senate bill No. 522.

Senator Mills moved a call of the Senate. Call sustained.

Absent—Senator Pridgen.

Absent, excused—Senators Fountain and Latimer.

The question recurring upon the indefinite postponement of Senate bill No. 522, yeas and nays called for and motion to indefinitely postpone lost by the following vote:

Yeas—Bowers, Broughton, Cole, Dillard, Dohoney, Douglas, Evans, Hall, Pettit, Pickett, Pyle, Shannon, Swift—13.

Nays—Mr. President, Baker, Bell, Ford, Gaines, Hertzberg, Hillebrand, Mills, Parsons, Pridgen, Rawson, Ruby, Tendick—13.

Senator Ruby moved the previous question. Previous question seconded.

The question then being, "Shall the main question be now put?" yeas and nays called for, and main question lost by the following vote:

Yeas—Mr. President, Baker, Bell, Ford, Gaines, Hertzberg, Hillebrand, Mills, Parsons, Pridgen, Rawson, Ruby, Tendick—13.

Nays—Bowers, Broughton, Cole, Dillard, Dohoney, Douglas, Evans, Hall, Pettit, Pickett, Pyle, Shannon, Swift—13.

Question being upon the engrossment of the bill, Senate bill No. 522, the yeas and nays were called for, and motion to engross lost by the following vote:

Yeas—Mr. President, Baker, Bell, Ford, Gaines, Hertzberg, Hillebrand, Mills, Parsons, Pridgen, Rawson, Ruby, Tendick—13.

Nays—Bowers, Broughton, Cole, Dillard, Dohoney, Douglas, Evans, Hall, Pettit, Pickett, Pyle, Shannon, Swift—13.

#### UNFINISHED BUSINESS—Resumed.

Senate bill No. 556 read second time and ordered engrossed, and passed to a third reading.

On motion of Senator Bowers, the rules were suspended, and Senate bill No. 556 read third time and passed.

Under direction of the President, the Secretary carried to the House for signature of the Speaker, the following enrolled Senate bills: No. 443, "An act explanatory of the tax laws of the State of Texas, and to avoid double taxation;" No. 574, "An act to amend an act entitled 'an act to consolidate in one act and amend the several acts incorporating the city of Houston, in Harris county,' passed August 2, 1870;" No. 518, "An act to authorize the County Court of Marion county to issue coupon interest-bearing bonds for the building of a court house and jail, and to levy a tax to pay for

the same;" No. 334, "An act to encourage the holding of industrial fairs by exempting certain property from taxation;" No. 507, "An act in relation to county bridges;" No. 446, "An act to authorize the County Court of Galveston county to issue interest-bearing bonds for the purpose of funding the present outstanding indebtedness of said county."

Enrolled bills signed by the Speaker, and returned to the Senate and signed by the President in open session.

And informed the House that the Senate had passed without amendments the following House bills: No. 936, "An act to regulate the practice in the Supreme Court;" No. 690, "An act to repeal an act entitled 'an act to provide for the appointment by the Governor of certain officers to fill vacancies,' approved June 28, 1840;" No. 809, "An act to incorporate the Lone Star Ferry Company."

And that the Senate had adopted report of Conference Committee on House bill No. 114, "An act to incorporate the Jefferson City Street Railroad Company;" No. 867, "An act supplementary to an act supplementary and amendatory of 'an act to regulate railroad companies, approved February 7, 1853,' approved December 19, 1857;" House joint resolution No. 28, "Joint resolution to defray the expenses of printing the reports of all officers who are required to report to the Governor or the Legislature, by section five of 'an act regulating public printing, approved August 13, 1870.'"

And transmitted for concurrence the following Senate bills: No. 519, "An act to aid the available school fund in placing on a sound and durable foundation, and maintaining a system of public free schools," etc.; No. 579, a bill to be entitled "An act to incorporate the Colorado and Post Oak Island Railroad Company."

By leave, Senator Parsons submitted the following report of Committee on Judiciary:

COMMITTEE ROOM, }  
Austin, Nov. 28, 1871. }

Hon. WEBSTER FLANAGAN,

President of the Senate:

SIR: Your Committee on Judiciary, to whom was referred House bill No. 646, entitled "An act for the relief of B. H. Davis, assignee of T. J. Chambers, deceased," after careful consideration, instruct me to report the same back, and recommend its passage.

Respectfully,

W. H. PARSONS, Chairman.

Report read and received.

Senator Ruby submitted the following report of Committee on Engrossed Bills:

COMMITTEE ROOM, }  
Austin, Nov. 27, 1871. }

Hon. WEBSTER FLANAGAN,

President of the Senate:

SIR: Your Committee on Engrossed Bills have carefully considered and compared substitute for Senate bill No. 573, "An act to prohibit the sale of all intoxicating or spirituous liquors within certain limits of Hope Springs Male and Female Seminary, in Hood county, and find the same to be correctly engrossed.

Respectfully,

G. T. RUBY, Chairman.

Report read and received.

By leave, Senator Bowers submitted the following petition from the citizens of Austin relative to an election for municipal officers:

AUSTIN, TEXAS, November 23, 1871.

To the Honorable the Senate and House of Representatives of the State of Texas:

We, the undersigned, do now petition you to order an election for municipal officers in the city of Austin at such time as may seem proper to you. We suggest the second Tuesday in January next. We say to you that our present city officials are by appointment under the late enabling act, which has been repealed by you. We are citizens interested in the welfare of the city, and are loyal to the Government. We believe that it will be to the advantage of the city that said election should be ordered. We submit this petition and pray that you grant the prayer thereof:

B Schumann  
John M Tibaut  
Wm A Hamilton  
R W Ford  
J M Mansfield  
C Domschke  
H B Hillyer  
Ben H Thompson  
T B Wheeler  
C W Palm  
J W Howard  
A B Palm  
C Strochmaer  
C Spalding  
Ed Tips  
H H Bengener  
Andre Dustin  
Louis Blumentritt

H Sinnigson  
J Cummings  
L McKenzie  
T E Cater  
E F Cullen  
Adolph Baker  
W Schroeder  
Joseph A Costa  
B Melasky  
Harris Melasky  
C Klein  
F Brown  
John Peterson  
John Ragen Green  
W Schmitz  
Edward Steiner  
J Haines  
B F Walker

John Brenkrain	R H Peck
M Brown	R M Castleman
his	M K Ryan
John ✕ Hak	W A Ryan
mark	J W Kelly
Joseph Siegmund	P W Schroeder
H Meyer	John A Green
his	J H Fitzhugh
Jordan ✕ Diamond	J Sheehan
mark	G T Boardman
W F Bengener	C Hornberger
K Weise	B Radkey
Charles Pecht	D M Baker
G M. Brass	J C Raymond
B F Wise	Frank Gredenweis
J Anart	his
H Paul George	Sam ✕ Hamilton
John Mather	mark
his	E S Cohen
William ✕ Paschal	John P Rice
mark	R E Carrington
William Sims	C W Berryman
James L Brown	H Green
Wm Stelfox	G R Brizendine
A Blomeke	I V Jones
John Jones	A McCashin
Wm Stelfox	Ab H Cook, jr
P Blum	Sam Simpson
F W Petmecky	H F Simpson
S G Kingsbury	A Hielman
James Hicke	Ed Walker
J T Cron	Wm Oliphant
his	Slelwanberg
Frank ✕ Wilk	H Hauxe
mark	Thomas Eanes
his	H Clay Eanes
Anprose ✕ Ware	Wm Custard
mark	J H Walker
	B C Bennnett.

12 o'CLOCK M.

## SPECIAL ORDER,

Viz.: House bill No. 634, "An act to incorporate the Galveston and Eastern Texas Railway Company."

On motion of Senator Bowers, the special order was postponed for ten minutes.

By leave, Senator Bowers introduced a bill (Senate bill No. 587), entitled "An act authorizing and requiring the City Council of the City of Austin to order an election for all officers made elective by the charter of said city." Read first time and passed to second reading.

Senator Bowers moved a further suspension of the rules to read the bill a second time.

Yeas and nays called for, and motion to suspend the rules carried by the following vote:

Yeas—Mr. President, Bowers, Broughton, Cole, Dohoney, Douglas, Evans, Hall, Hertzberg, Hillebrand, Pettit, Pickett, Pyle, Rawson, Shannon, Swift, Tendick—17.

Nays—Baker, Bell, Ford, Gaines, Mills, Parsons, Ruby, Saylor—8.

Senate bill No. 587 read second time.

Postponed special order resumed: House bill No. 634.

House bill No. 634 passed to a third reading.

Senator Mills moved a suspension of the rules to read House bill No. 634 a third time.

Yeas and nays called for, and motion to suspend lost by the following vote:

Yeas—Mr. President, Bowers, Broughton, Cole, Dillard, Douglas, Ford, Hall, Hertzberg, Hillebrand, Mills, Parsons, Pickett, Pyle, Ruby, Saylor, Shannon, Swift—18.

Nays—Baker, Bell, Dohoney, Evans, Gaines, Pettit, Rawson, Tendick—8.

## BILLS ON THIRD READING.

Senate bill No. 395, "An act supplementary to and amendatory of an act entitled 'an act to provide for the registration of voters,' approved July 11, 1870," read third time.

Senator Mills moved that Senate bill No. 395 be now passed.

Yeas and nays called for, and Senate bill No. 395 passed by the following vote:

Yeas—Mr. President, Baker, Bell, Ford, Gaines, Hall, Hertz-  
S J—28

berg, Hillebrand, Mills, Parsons, Pettit, Rawson, Ruby, Tendick—14.

Nays—Broughton, Cole, Dillard, Dohoney, Douglas, Evans, Pickett, Pyle, Shannon, Swift—10.

House bill No. 838, "An act to amend the third section of 'an act to incorporate the Galveston Bayou Dredging Company,' passed June 30, 1871." Read third time.

Senator Ruby moved that House bill No. 838 do now pass.

Yeas and nays called for and House bill No. 838 passed by the following vote:

Yeas—Mr. President, Bell, Bowers, Ford, Hertzberg, Hillebrand, Mills, Parsons, Pettit, Rawson, Ruby, Saylor, Swift Tendick—14.

Nays—Baker, Broughton, Cole, Dillard, Dohoney, Douglas, Evans, Gaines, Hall, Pickett, Pyle, Shannon—12.

House bill No. 897, "An act to release to the county of Houston the State tax for the year 1871, for the completion of a court house and jail in said county."

Senator Bowers moved that the Senate adhere to its amendment. Lost.

On motion of Senator Bowers, a committee of free conference of three was appointed to confer with a like committee on the part of the House, on House bill No. 897.

The Chair appointed as such committee Senators Bowers, Dillard and Mills.

Senator Bell moved a reconsideration of the vote by which the Senate refused to pass House bill No. 747.

Senator Dohoney moved a call of the Senate. Call sustained.

Absent—Senator Pridgen.

Absent, excused—Senators Fountain and Latimer.

By leave, Senator Saylor introduced a bill, (Senate bill No. 588) "An act making an appropriation to pay the expenses of binding the census of the State of Texas by the United States Marshal, 1870." Read first time.

Call suspended.

Question recurring on a reconsideration of the vote upon House bill No. 747, the yeas and nays were called for, and the motion to reconsider carried by the following vote:

Yeas—Mr. President, Baker, Bell, Ford, Gaines, Hertzberg, Hillebrand, Mills, Parsons, Pettit, Pridgen, Rawson, Ruby, Tendick—14.

Nays—Bowers, Broughton, Cole, Dillard, Dohoney, Douglas, Evans, Hall, Pickett, Pyle, Shannon, Swift—12.

On motion of Senator Parsons House bill No. 747 was recommitted to the Committee on Finance.

On motion of Senator Saylor the rules were suspended to take up Senate bill No. 588. Read second time, ordered engrossed and passed to a third reading.

On motion of Senator Saylor the rules were further suspended and Senate bill No. 588 read third time and passed by the following vote :

Yeas—Mr. President, Baker, Bell, Bowers, Broughton, Cole, Dillard, Dohoney, Ford, Gaines, Hall, Hertzberg, Hillebrand, Mills, Pickett, Pyle, Rawson, Ruby, Saylor, Shannon, Swift, Tendick—22.

Nays—Evans, Pettit—2.

Senator Broughton moved that the Senate stand adjourned to 10 A. M. to morrow.

Yeas and nays called for and motion to adjourn lost by the following vote :

Yeas—Bowers, Broughton, Cole, Dillard, Dohoney, Douglas, Evans, Hall, Pettit—9.

Nays—Mr. President, Baker, Bell, Ford, Gaines, Hertzberg, Hillebrand, Mills, Parsons, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon, Swift, Tendick—17.

By leave, Senator Ford submitted the following report of Committee on State Affairs :

COMMITTEE ROOM, }  
Austin, Nov. 27, 1871. }

Hon. WEBSTER FLANAGAN,

President of the Senate :

SIR: Your Committee on State Affairs, to whom was referred Senate bill No. 584, have carefully examined the same, and find the facts alleged to be true, and therefore recommend its passage.

Respectfully,

S. W. FORD, Chairman.

Report read.

On motion of Senator Bell, the rules were suspended to consider the bill.

Senate bill No. 584 was then read the second time.

Senator Bell moved a suspension of the rules to engross Senate bill No. 584. Lost.

By leave, Senator Swift introduced a bill (Senate bill No. 590) to be entitled "An act to renew and continue in force an act entitled 'an act to charter the Nacogdoches University,' approved February 3, 1845." Read first time and referred to the Committee on Education.

By leave, Senator Pridgen submitted the following report of Committee on Enrolled Bills :

COMMITTEE ROOM, }  
Austin, Nov. 27, 1871. }

Hon. WEBSTER FLANAGAN,

President of the Senate :

SIR: Your Committee on Enrolled Bills have examined and find correctly enrolled: Senate bill No. 443, "An act explanatory of the tax laws of the State of Texas, and to avoid double taxation;" Senate bill No. 446, entitled "An act to authorize the County Court of Galveston county to issue interest bearing bonds for the purpose of funding the present outstanding indebtedness of said county;" Senate bill No. 597, entitled "An act in relation to county bridges;" Senate bill No. 334, entitled "An act to encourage the holding of industrial fairs by exempting certain property from taxation;" Senate bill No. 574, entitled "An act to amend an act entitled 'an act to consolidate in one act, and to amend the several acts incorporating the city of Houston,' passed August 2, 1871;" Senate bill No. 518, entitled "An act to authorize the County Court of Marion county to issue coupon interest bearing bonds for the building of a court house and jail, and to levy a tax to pay for the same," and to-day at 12 o'clock M. presented the same to the Governor for his approval.

Respectfully,

B. J. PRIDGEN, Chairman.

Report read and received.

Senator Broughton moved the Senate stand adjourned until 10 o'clock A. M. to-morrow.

Yeas and nays called for, and motion to adjourn lost by the following vote :

Yeas—Broughton, Cole, Dillard, Dohoney, Douglas, Evans, Hall, Pickett, Swift—9.

Nays—Mr. President, Baker, Bell, Ford, Gaines, Hertzberg, Hillebrand, Mills, Parsons, Pettit, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon, Tendick—17.

On motion of Senator Dohoney the Senate at 12:45 P. M., adjourned to 3 P. M.

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## AFTERNOON SESSION.

3 o'CLOCK P. M.

Senate met pursuant to adjournment. President Flanagan presiding. Roll called. No quorum present.

Absent—Senators Broughton, Ford, Hertzberg, Mills, Parsons, Pridgen, Swift and Tendick.

Absent, excused—Senators Douglas, Fountain and Latimer.

Senators Ford, Hertzberg, Swift and Tendick appeared and answered to their names.

Quorum present.

By leave, Senator Pettit submitted the following report of the Committee on Education :

COMMITTEE ROOM, }  
Austin, Nov. 27, 1871. }

Hon. WEBSTER FLANAGAN,

President of the Senate :

SIR : Your Committee on Education, to whom was referred Senate bill No. 596, have had the same under careful consideration and a majority thereof instruct me to report it back to the Senate with the recommendation that it do pass.

E. PETTIT, Chairman.

Report read and laid over the rules.

Message from the House by the Chief Clerk transmitting for concurrence the following House bills: No. 675, "An act to amend an act entitled 'an act to create the Board of Commissioners of Public Grounds and Buildings;'" No. 906, "An act for the relief of Thomas F. McKinney;" No. 926, "An act for the relief of W. T. Patterson;" No. 759, "An act to regulate life insurance in the State of Texas;" No. 858, "An act to incorporate the Home Insurance and Trust Company, of Texas;" No. 849, "An act to amend an act entitled 'an act to incorporate the town of Bastrop,' approved December 18, 1837;" No. 831, "An act to amend 'an act approved December 13, 1870, incorporating the town of Bremond;'" No. 818, "An act to release Orange McCarty from paying State and county tax on the sale of groceries in the county of Angelina, State of Texas;" No. 875, "An act amendatory of an act entitled 'an act to prescribe the time of the annual meetings of the Legislature,' approved July 22, 1870."

Also, informing the Senate that the House had passed, without amendments, Senate concurrent resolution, No. 10, entitled "Con-

current resolution in relation to the appointment of a committee to attend the Centennial Celebration to be held at Philadelphia, Pennsylvania, in the year 1876."

Also, informing the Senate that the House had appointed, as a committee of free conference on House bill No. 897, "An act to re-lease to the county of Houston the State tax for the year 1871, for the completion of a court house and jail in said county," Messrs. Booty, Morrison, McKee, Jenkins and Elam.

And had appointed as a committee of free conference on Senate bill No. 405, "An act supplementary to an act entitled 'an act to adopt and establish a penal code for the State of Texas,' approved August 28, 1856," Messrs. Jenkins, Robinson, Evans, Tegener and Tinsley.

On motion of Senator Dillard, the rules were suspended to take from file House bill No. 891, "An act to establish a ferry across the Neches river at Bates's Ferry, in Cherokee county." Read first time and passed to a second reading.

On motion of Senator Dillard, the rules were further suspended, and the bill read second time and passed to a third reading.

On motion of Senator Dillard, the rules were further suspended, and House bill No. 891 read a third time and passed.

On motion of Senator Dohoney, the rules were suspended to take from file House bill No. 690, "An act to repeal an act entitled 'an act to provide for the appointment by the Governor of certain officers to fill vacancies,' approved June 28, 1870." Read third time.

Senator Dohoney moved a call of the Senate. Call sustained.

Absent, not excused—Senators Broughton, Mills, Parsons and Pridgen.

House bill No. 690 was laid over under the rules until the absentees should appear.

On motion of Senator Hall, the rules were suspended to take from file Senate bill No. 558, "An act to incorporate the Jefferson Real Estate, Trust and Dollar Savings Company." Read second time, ordered engrossed and passed to a third reading.

On motion of Senator Gaines, the rules were suspended and Senate bill No. 558 read third time and passed.

Senator Saylor moved to take from the table House joint resolution No. 17, "Joint resolution authorizing the Governor to lease out the lands appropriated for the benefit of the Lunatic, Blind and Deaf and Dumb Asylums."

Yeas and nays called for, and the resolution taken from the table by the following vote:

Yeas--Baker, Bell, Bowers, Cole, Ford, Gaines, Hertzberg, Hillebrand, Pettit, Pyle, Rawson, Ruby, Saylor, Tendick--14.

Nays--Mr. President, Dillard, Dohoney, Evans, Hall, Shannon, Swift--7.

On motion of Senator Gaines the further consideration of House joint resolution No. 17 was postponed until 3:30 P. M. to-morrow.

Senator Ruby submitted the following report of the Committee on Engrossed Bills:

COMMITTEE ROOM, }  
Austin, Nov. 27, 1871. }

Hon. WEBSTER FLANAGAN,

President of the Senate:

SIR: Your Committee on Engrossed Bills have examined and find correctly engrossed substitute Senate bill No. 456, "An act to make a new apportionment for Representative and Senatorial districts of the State of Texas."

G. T. RUBY, Chairman.

Report read and received.

Under direction of the President, the Secretary carried to the House for concurrence substitute Senate bill No. 456.

On motion of Senator Ford, the rules were suspended to take from file Senate bill No. 582, "An act requiring the Governor to appoint a commission to investigate outrages committed somewhere near the line of Grimes and Austin counties." Read second time.

The Senate being full, the consideration of House bill No. 690 was resumed.

Senator Dohoney moved the passage of the bill.

Yeas and nays called for, and the Senate refused to pass the bill by the following vote:

Yeas--Bowers, Broughton, Cole, Dillard, Dohoney, Evans, Hertzberg, Hillebrand, Pickett, Pyle, Shannon, Swift--12.

Nays--Mr. President, Baker, Bell, Ford, Gaines, Parsons, Pettit-Pridgen, Rawson, Ruby, Tendick--12.

Senators Mills and Saylor were excused from voting, having paired off with Senators Douglas and Latimer, the former voting in the negative and the latter in the affirmative.

By leave Senator Saylor submitted the following reports of the Committee on Finance:

COMMITTEE ROOM, }  
Austin, Nov. 27, 1871. }

Hon. WEBSTER FLANAGAN,

President of the Senate:

SIR: Your Committee on Finance, to whom was referred House bill No. 718, entitled "An act making an appropriation for the *per*

*diem* pay of the members, officers and employés of the Twelfth Legislature," after careful consideration, instruct me to report the same back for the consideration of the Senate.

Respectfully,

W. A. SAYLOR, Chairman.

COMMITTEE ROOM,  
Austin, Nov. 27, 1871. }

Hon. WEBSTER FLANAGAN,

President of the Senate:

SIR: Your Committee on Finance, to whom was referred House bill No. 791, entitled "An act amendatory to an act entitled 'an act to give effect to the several provisions of the Constitution concerning taxes,' approved April 22, 1871," after careful consideration, instruct me to report the same back and recommend its passage.

Respectfully,

W. A. SAYLOR, Chairman.

Reports read and laid over under the rules.

### UNFINISHED BUSINESS.

Consideration of Senate bill No. 582 resumed.

Senator Pickett moved that the further consideration of the bill be postponed until Wednesday next at 12 M.

Yeas and nays called for and the motion to postpone carried by the following vote:

Yeas—Baker, Bowers, Broughton, Cole, Dillard, Dohoney, Evans, Mills, Parsons, Pettit, Pickett, Pridgen, Pyle, Rawson, Shannon, Swift—16.

Nays—Mr. President, Bell, Ford, Gaines, Hertzberg, Hillebrand, Ruby, Saylor, Tendick—9.

Senator Ruby submitted the following reports of the Committee on Engrossed Bills:

COMMITTEE ROOM,  
Austin, Nov. 27, 1871. }

Hon. WEBSTER FLANAGAN,

President of the Senate:

SIR: Your Committee on Engrossed Bills have examined and find correctly engrossed, Senate bill No. 543, "An act granting to Dan Egbert the privilege of constructing and keeping a toll bridge and ferry across the Neches river;" Senate bill No. 553, "An act for the relief of the heirs of N. A. Bonzano, deceased;" Senate bill No. 317, "An act to provide for the reimbursement of seventy-five thousand dollars to the public school fund from the State Treas-

ury;" Senate joint resolution No. 48, "Joint resolution to secure a correct index to the general and special laws passed at the present session of the Legislature;" Senate bill No. 566, "An act to authorize and empower the corporate authorities of the town of Palestine to extend the streets and alleys of said town to the exterior limits of the corporation, and to lay out and make new streets and alleys within the limits of said corporation;" Senate substitute for House bill No. 117, "An act to incorporate the Marion County Bayou Navigation Company;" Senate bill No. 580, "An act for the relief of Thomas F. McKinney."

G. T. RUBY, Chairman.

Report read and received.

COMMITTEE ROOM, }  
Austin, Nov. 25, 1871. }

Hon. WEBSTER FLANAGAN,

President of the Senate:

SIR: Your Committee on Engrossed Bills have examined and find correctly engrossed Senate bill No. 578, entitled "An act to incorporate the Dollar Savings Bank of Brenham."

G. T. RUBY, Chairman.

Report read and received.

Under direction of the President the Secretary carried to the House for concurrence Senate bills Nos. 543, 553, 578, Senate joint resolution No. 48, and Senate substitute for House bill No. 117.

On motion of Senator Evans the rules were suspended to take from file House bill No. 875, "An act amendatory of an act entitled 'an act to prescribe the time of the annual meetings of the Legislature,' approved July 22, 1870."

Read first time.

Senator Dohoney moved a further suspension of the rules to read the bill a second time.

Yeas and nays called for and the rules suspended by the following vote:

Yeas—Mr. President, Baker, Bell, Bowers, Broughton, Cole, Dillard, Dohoney, Evans, Ford, Gaines, Hertzberg, Hillebrand, Mills, Parsons, Pettit, Pickett, Pridgen, Pyle, Rawson, Saylor, Shannon, Swift, Tendick—23.

Nays—Ruby—1.

Senator Parsons offered the following amendment and moved its adoption: Strike out the words "second Tuesday in October," and insert the words "second Tuesday in December."

Yeas and nays called for and the Senate refused to adopt the amendment by the following vote:

Yeas—Mr. President, Baker, Bell, Ford, Gaines, Hertzberg, Hillebrand, Parsons, Pridgen, Rawson, Ruby, Tendick—12.

Nays—Bowers, Broughton, Cole, Dillard, Dohoney, Evans, Hall, Pettit, Pickett, Pyle, Shannon, Swift—12.

Senators Mills and Saylor were excused from voting, having paired off with Senators Douglas and Latimer, the former voting in the affirmative and the latter in the negative.

By leave, Senator Saylor submitted the following report of the Committee on Finance :

COMMITTEE ROOM, }  
Austin, Nov. 27, 1871. }

Hon. WEBSTER FLANAGAN,

President of the Senate :

SIR : Your Committee on Finance, to whom was referred substitute House bill No. 747, to be entitled "An act authorizing a loan to meet deficiencies in the revenue of the State," have had the same under consideration, and a majority instruct me to report it back with the accompanying amendments and recommend its passage : Amend by striking out all Senate amendments.

Very respectfully,

W. A. SAYLOR, Chairman.

Report read and laid over under the rules.

Senator Pickett moved to adjourn until 10 o'clock A. M. to-morrow.

Yeas and nays called for, and the motion carried by the following vote :

Yeas—Mr. President, Bowers, Broughton, Cole, Dillard, Dohoney, Evans, Hall, Pettit, Pickett, Pridgen, Pyle, Shannon, Swift—14.

Nays—Baker, Bell, Ford, Gaines, Hertzberg, Hillebrand, Mills, Parsons, Rawson, Ruby, Saylor, Tendick—12.

So the Senate at 5:15 o'clock P. M. adjourned until 10 o'clock A. M. to-morrow.

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